





IN RE: PETITION ZONING VARIANCE  
S/S of Fitch Avenue, 375' E of  
the centerline of Bennerton  
Drive (4547 Fitch Avenue) -  
14th Election District  
Robert William Carlsen, et ux,  
Petitioners  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 85-48-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 18 feet instead of the required 22½ feet in order to allow a deck to be attached to the rear of the dwelling, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the property, zoned D.R.5.5, faces Fitch Avenue. When the Petitioners purchased the dwelling about seven years ago, a 10' x 16' deck was attached to the rear, eight feet off the ground. Because the deck was constructed without using treated lumber, it began to deteriorate and was no longer safe. That deck was replaced with a 12' x 32' unenclosed deck. Unfortunately, the Petitioners elected to proceed without a permit.

The Petitioners seek relief from Section 1802.3.B (1801.2.C.4, 301.1), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. In this case, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether he grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,

this 21st day of August, 1984, that the Petition for Variance to permit a

rear yard setback of 18 feet instead of the required 22½ feet be and is hereby

granted, from and after the date of this Order, subject to the following

restrictions:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

AJ/srl

cc: Mr. & Mrs. Robert William Carlsen  
People's Counsel

ORDER RECEIVED FOR FILING  
DATE August 21, 1984  
BY *[Signature]*  
ADMINISTRATIVE ASSISTANT

July 24, 1984

Mr. & Mrs. Robert W. Carlsen  
4547 Fitch Avenue  
Baltimore, Maryland 21236

NOTICE OF HEARING

Re: Petition for Variance  
S/S Fitch Ave., 375' E of the c/l of  
Bennerton Dr. (4547 Fitch Avenue)  
Robert W. Carlsen, et ux - Petitioners  
Case No. 85-48-A

TIME: 10:30 A.M.

DATE: Monday, August 20, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

*[Signature]*  
Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 130288

DATE 6-78-1 ACCOUNT R-01-615-02  
AMOUNT 35.00

RECEIVED FROM: *[Signature]*  
FOR: Filing fee for 1/200 377 Vgls

01300000350010 8074A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 13, 1984

Mr. & Mrs. Robert W. Carlsen  
4547 Fitch Avenue  
Baltimore, Maryland 21236

Re: Petition for Variance  
S/S of Fitch Ave., 375' E of the c/l of  
Bennerton Drive (4547 Fitch Avenue)  
Case No. 85-48-A

Dear Mr. & Mrs. Carlsen:

This is to advise you that \$42.85 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

*[Signature]*  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 133231

DATE 8-20-84 ACCOUNT R-01-615-000

AMOUNT \$42.85

RECEIVED FROM: *[Signature]*  
FOR: adv. + posting fee 85-48-A

01300000428510 8205F

VALIDATION OR SIGNATURE OF CASHIER

Robert and Maria Carlsen  
4547 Fitch Ave.  
Baltimore, Md. 21236  
661-5082

ZONING DESCRIPTION

Located on the south side of Fitch Ave., approximately 375' east of the centerline of Bennerton Drive and known as Lot #1 as shown on Plat of Village of Hickory Hollow, which is recorded among the land records of Baltimore County in Liber 39, Folio 138. Also known as 4547 Fitch Avenue.

PETITION FOR VARIANCE  
14th Election District

ZONING: Petition for Variance  
LOCATION: South side of Fitch Avenue, 375 ft. East of the centerline of Bennerton Dr. (4547 Fitch Avenue)  
DATE & TIME: Monday, August 20, 1984 at 10:30 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 18 ft. in lieu of the required 22½ ft.

Being the property of Robert W. Carlsen, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: August 1, 1984  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Zoning Petition Nos. 85-46-A, 85-47-A,  
SUBJECT: 85-48-A, 85-49-A, 85-51-A and 85-52-A

There are no comprehensive planning factors requiring comment on these petitions.

*[Signature]*  
Norman E. Gerber, Director  
Office of Planning and Zoning

NEG/JGH/sf



## BALTIMORE COUNTY OFFICE OF PLANNING &amp; ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
19th day of June, 1984.

ARNOLD JABLON,  
Zoning Commissioner

Petitioner Robert W. Carlsen, et ux  
Petitioner's Attorney

Received by: Nicholas B. Commodari  
Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

## Petition for Variance

14th Election District  
ZONING: Petition for Variance.  
LOCATION: South side of Fitch Avenue, 375 ft. East of the centerline of Bennerston Dr. (4547 Fitch Avenue).  
DATE & TIME: Monday, August 20, 1984 at 10:30 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.  
Petition for Variance to permit a rear yard setback of 18 ft. in lieu of the required 22 1/2 ft.  
Being the property of Robert W. Carlsen, et ux, as shown on plat plan filed with the Zoning Department.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
By Order Of  
Arnold Jablon  
Zoning Commissioner  
Of Baltimore County

## The Times

Middle River, Md., Aug 2 1984

This is to Certify That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 2nd day of August, 1984  
Ed D. W. [Signature] Publisher.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 14 Date of Posting 8/3/84  
Posted for: Petition for Variance  
Petitioner: Robert W. Carlsen, et ux  
Location of property: 375 Fitch Ave., 375' E of the c/c of Bennerston Dr.  
Location of Sign: front of property (# 4547 Fitch)  
Remarks: \_\_\_\_\_  
Posted by Mar 2. [Signature] Date of return: 8/9/84  
Number of Signs: 1

85-48-A  
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 2, 1984.

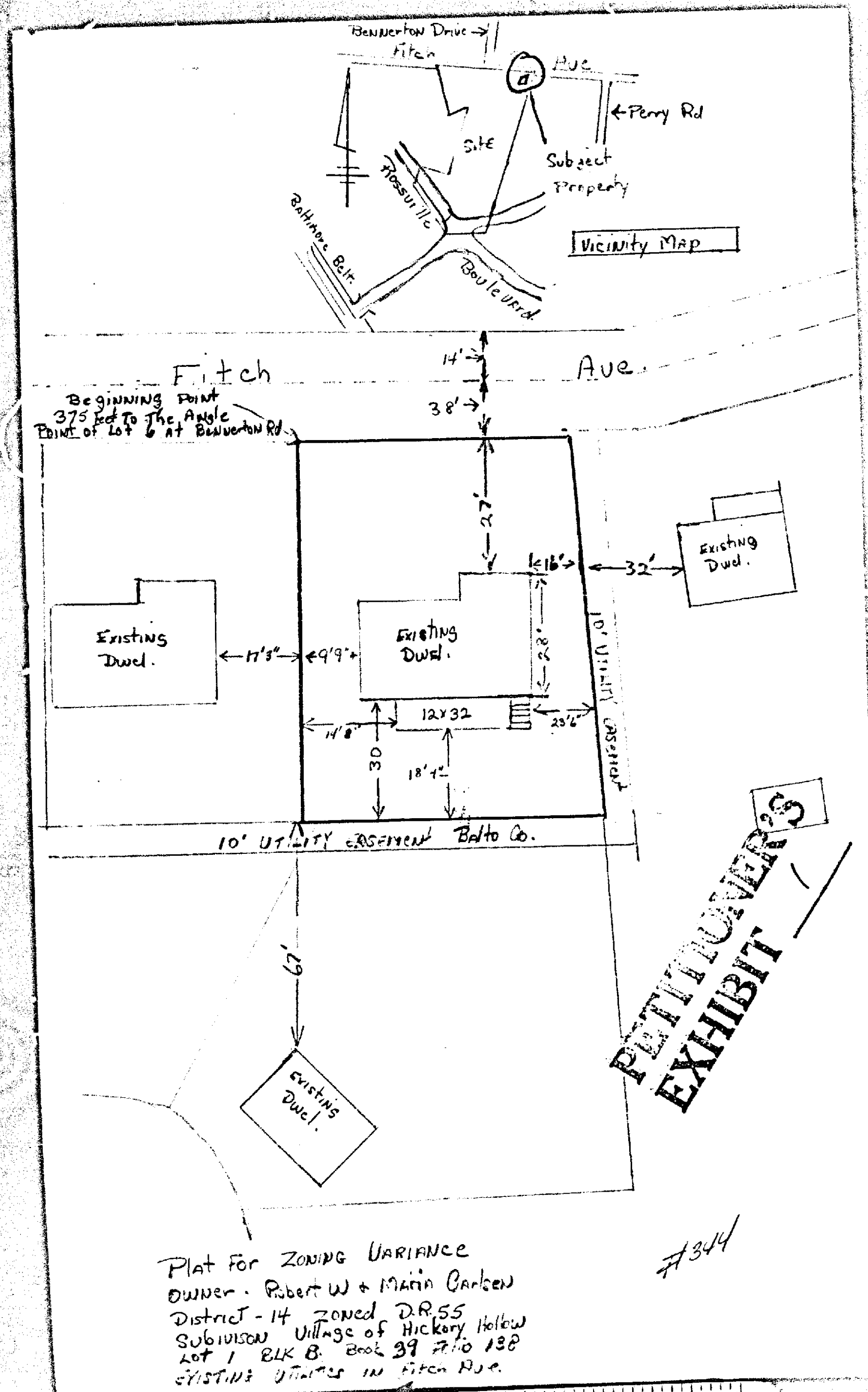
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 2, 1984.

THE JEFFERSONIAN,

[Signature]  
Publisher

Cost of Advertising 18.00

PETITION FOR VARIANCE  
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By Order Of  
ARNOLD JABLON,  
Zoning Commissioner  
Of Baltimore County  
Aug. 2, 1984



Plat For ZONING VARIANCE  
OWNER: Robert W + Maria Carlsen  
District - 14 Zoned D.R.55  
Subdivision Village of Hickory Hollow  
Lot 1 BLK B. Book 39 Page 138  
EXISTING UTILITIES IN Fitch Ave.

